

TEKIA.004A



7/15/03
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Blake, et al.
Appl. No. : 10/056,971
Filed : January 25, 2002
For : TWO-PART "L" OR "S"-SHAPED PHAKIC IOL
Examiner : Gilpin, Crystal M.
Group Art Unit : 3885

RECEIVED
JUL 08 2003
TECHNOLOGY CENTER R3700

DECLARATION BY DR. CHARLES D. KELMAN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. I am an inventor on the above-captioned patent application and am familiar with the specification.

2. I have extensive experience in the field of ophthalmology and ophthalmic surgery, particularly with reference to the implantation of Intraocular lenses (IOLs) as evidenced by my attached curriculum vitae (Exhibit A).

3. I have reviewed the following two patents which were referenced by Examiner: Gilpin: Kelman, USPN 4,268,921, filed October 22, 1979 and Simcoe, UKPN 2,171,912A, filed February 27, 1986. Both patents provide intraocular lenses with a lens and haptics. Kelman, USPN 4,268,921 describes an IOL with a lens body and 3 separate haptics, two of which are integrally joined to the lens body. Simcoe, UKPN 2,171,912A provides an intraocular lens with a lens and two separate haptics which are integrally formed to the lens body. Neither of these references could be described as having "a V-shaped haptic", because the haptic portions for these IOLs are separated from each other by the lens body and, thus, plural.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated:

June 4 2003

By:



Charles D. Kelman, M.D.

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**Biographical Sketch
CHARLES D. KELMAN, M.D.
Department of Ophthalmology**

Address:
EYE CENTER
220 MADISON AVENUE
NEW YORK, NY 10016
PHONE: 212 736-9696

Specialty: Anterior Segment/Cataract & Iol Surgery

EDUCATION & TRAINING

Undergraduate: Tufts University; B.S., 1950

University Of Geneva: Geneva, Switzerland

Degree: B.M.S., 1952

Graduate: University Of Geneva Medical School: Geneva,
Switzerland; Degree: M.D., 1956

Internship: Kings County General Hospital; New York City, 1956-1957

Post-Graduate: Bellevue Hospital; New York City;
Post-Graduate Course In Ophthalmology; 1958

Residency: Wills Eye Hospital; Pennsylvania; Residency In
Ophthalmology, 1958-1960

AWARDS & HONORS

1. Recipient Of John A. Hartford Foundation Grant For Cryosurgery Research, 1964
2. Biography: "Who's Who In The East", Publisher: Marquis, Who's Who, Vol. 10, 1966-67
3. Winner Of Twenty-Five Year (1941-1966) Distinguished Alumnus Award, Forest Hills High School, New York, Ny
4. Recipient Of Outstanding Film Award, University Barraquer, Barcelona, Spain, 1969
5. Recipient Of The American Academy Of Achievement Gold Plate Award, Dallas, Texas, 1969
6. Recipient Of The Fifth Annual Professor Doctor Ignacio Barraquer Memorial Award, Chicago, 1969

7. Recipient Of First Prize For Scientific Exhibit At American Academy Of Ophthalmology, Las Vegas, Nevada, October 5-9, 1970
8. Recipient Of The Outstanding Achievement Award From The National Association For Visually Handicapped, 1979
9. Recipient Of The First "Outstanding Achievement Award For Excellence In Cataract Surgery", American Society Of Contemporary Ophthalmology, 1981
10. Physicians Recognition Award, American Medical Assoc.
11. Canadian Implant Association Award For Work In Developing And Advancing The Field Of Ophthalmology, Montreal, Canada, May 29, 1982
12. Tamarack Lodge Annual Humanitarian Award, Greenfield Park, New York, August 7, 1982
13. Recipient Of The Congressional Salute, U.S. Senate, 97th Congress Washington, D.C., November 30, 1982.
14. Recipient Of The 1983 Humanitarian Award, Italian Charities Of America, Inc., June 10, 1983
15. Recipient Of The First Annual Innovators Award Presented By The American International Intraocular Lens Congress. Boston, Mass.; April, 1985
16. First Prize In The Implant Division Of The A.I.O.I.S. Film Festival. "Where Oh Where Have Those Little Loops Gone?". April, 1985.
17. Marquis " Who's Who In The East 1986-1987"
18. American Academy Of Ophthalmology Senior Honor Award, 1986
19. 1988 Mericos H. Whittier Award
20. Torch Of Learning Award - American Friends Of Hebrew University; 1989
21. Binkhorst Medal 1989 - American Society Of Cataract And Refractive Surgery
22. Ridley Medal 1990 - International Congress Of Ophthalmology.
23. Presented The Arthur J. Bedell Lecture At The 43rd Annual Clinical Conference Sponsored By The Wills Eye Hospital Staff And Society Of Ex-Residents; April, 1991
24. Special Recognition Award 1991 Presented By The American Academy Of Ophthalmology
25. Distinguished Service Award From Tuft's University Alumni Association 1992

26. Inventor Of The Year Award - 1992 Presented By The New York Patent, Trademark And Copyright Association
27. National Medal Of Technology - 1992 Presented By The President Of The United States On Behalf Of The Department Of Commerce
28. Myrtle Wreath Award - 1992 Presented By Hadassah
29. Lions Eye Bank Of New Jersey 1992 Honoree
30. Ophthalmologist Of The Century 1994 Presented By The Canadian Implant Association
31. Honorary Chairman European Society For Phacoemulsification And Related Techniques.
32. Chairman Of The New York Academy Of Medicine Ophthalmology Section
33. President Of The American Society Of Cataract And Refractive Surgery.
34. Awarded The Key To The City Of Rio De Janeiro By Mayor César Maia At The Forum International Oftalmologia Ano 2000 - 1995
35. Board Member Of Ophthalmology Times
36. Best Ophthalmologists In America Award 1996 Presented By Ophthalmology Times
37. "Life Of Compassion" Award, The Herzog Hospital, March 9, 1997
38. The Abdelmonelm Labib Memorial Lecture- "Origins And Directions Of Phacoemulsification", The Iv International Congress Of The Pan Arab Council Of Ophthalmology And Jordanian Ophthalmological Society, Amman , Jordan, May 6, 1997
39. "Visionary Award" For Clinical Research In Cataract Surgery Presented By Ophthalmology Times October 27, 1997
40. "Wessely Gold Medal" For Research In Ophthalmology That Linked Scientific Research With A Practical Therapeutic Result, Presented By The International Congress Of Ophthalmology, Amsterdam, The Netherlands, June 25, 1998
41. Presentation Of The First Charles D. Kelman, M.D. Award To Dr. Spyros Georgas At The 3rd European Society Of Cataract And Refractive Surgeon's Winter Meeting. Athens, Greece. January 29, 1999
42. Honored By The American Society Of Cataract And Refractive Surgery As One Of " The Most Influential Ophthalmologist Of The Twentieth Century" Having Been Chosen By 33,000 Ophthalmologists In The United States And Abroad, Seattle, Washington, April 12th, 1999.

43. Honored By Ophthalmology Times As One Of The Ten Greatest Living Ophthalmologists.
Orlando, Florida October, 25, 1999

Professional Society Memberships

1. PAN AMERICAN MEDICAL ASSOCIATION
2. PAN AMERICAN ASSOCIATION FOR OPHTHALMOLOGY
3. AMERICAN SOCIETY OF REFRACTIVE AND CATARACT SURGERY
4. KERATO-REFRACTIVE SOCIETY
5. AMERICAN SOCIETY FOR CONTEMPORARY OPHTHALMOLOGY
6. AMERICAN MEDICAL ASSOCIATION
7. INTERNATIONAL ASSOCIATION OF OCULAR SURGEONS
8. CANADIAN IMPLANT ASSOCIATION
9. INTERNATIONAL INTRAOCULAR IMPLANT CLUB
10. AMERICAN ACADEMY OF OPHTHALMOLOGY
11. NEW YORK IMPLANT SOCIETY
12. ASSOCIATION FOR THE ADVANCEMENT OF OPHTHALMIC OPERATION TECHNIQUES (ANTIBES, FRANCE)
13. EUROPEAN SOCIETY FOR PHACOEMULSIFICATION AND RELATED TECHNIQUES
14. OUTPATIENT OPHTHALMIC SURGERY SOCIETY
15. AMERICAN COLLEGE OF EYE SURGEONS
16. NEW YORK STATE SOCIETY OF SURGEONS
17. FELLOWSHIP OF THE NEW YORK ACADEMY OF MEDICINE
18. EUROPEAN SOCIETY OF CATARACT AND REFRACTIVE SURGEONS
19. MANHATTAN OPHTHALMOLOGICAL SOCIETY
20. CONTACT LENS ASSOCIATION OF OPHTHALMOLOGISTS

Positions and Committees

1. New York Eye And Ear Infirmary, New York, Attending Surgeon
2. New York Medical College, Valhalla, New York, Clinical Professor
3. Manhattan, Eye, Ear And Throat Hospital, New York, New York. Staff Ophthalmologist
4. Meadowlands Hospital, Secaucus, New Jersey. Consultant Ophthalmologist.
5. Westchester County Medical Centre, Valhalla, New York. Attending Physician,
6. Charing Cross Hospital; London, England. Consultant Ophthalmologist
7. Vasser Brothers Hospital - Poughkeepsie, Ny; Consultant Ophthalmologist
8. St. Barnabas Hospital - Bronx, New York. Honorary Staff Ophthalmologist

9. St. Barnabas Medical Center - Livingston, New Jersey Consultant Ophthalmologist

Recent Publications

1. Kelman, M.D., Charles D., "Thirty Years Of Phacoemulsification: The Evolution Of My Technique From 1967 To 1997", Pp. 464-468, Posterior Assited Levitation", Pp. 511-512. Phacoemulsification, Principles And Techniques. Edited By Lucio Buratto, M.D.; Published By Slack Incorporated, Thorofare, New Jersey; 1998
2. Kelman, M.D., Charles D., "Biocompatible Material, Lens Design May Solve Problems Of Previous Phakic Iol's", Ocular Surgery News Vol. 16, No. 9, Pp. 36, May 1, 1998
3. Kelman, M.D., Charles D., "History Of Phacoemulsification", Pp. 1 - 8. Phacoemulsification, Laser Cataract Surgery & Foldable Iols. Edited By Sunita Agarwal, M.D., Mahipal S. Sachdev, M.D., Athiya Agarwal, M.D., Keiki R. Mehta, M.D., I. Howard Fine, M.D., And Amar Agarwal, M.D. Published By Jaypee Brothers Medical Publishers Ltd., New Delhi, India. 1998
4. Kelman, M.D., Charles D., And Kvitko, M.D., Marvin L., "The History Of Modern Cataract Surgery". Editors. Kelman, M.D., Charles D, "Cryocataract Surgery", Pp. 97-106; "History Of Phacoemulsification", Pp. 123-130. Published By Kugler Publications/The Hague/The Netherlands. 1998
5. Kelman, M.D., Charles D. , "Ophthalmology's Great Inventor Speaks About Innovation". Interview With Dr. Kelman In Eye World; Vol.4, No. 1; Pp. 28-29; January, 1999
6. Kelman, M.D., Charles D., "Phacoemulsification, Small Incision Surgery And The Iols That Benefit From It".Cataract And Refractive Surgery, Eurotimes Vol.4,Issue 2, March-April, 1999.
7. Kelman, M.D., Charles D., "Dropping The Nucleus: Incidence And Management". Interview With Dr. Kelman In Eye World; Vol. 4, No. 5; Pp. 28-29; May, 1999
8. Kelman, M.D., Charles D., "Lenticular Refractive Surgery". Interview With Dr. Kelman In Eye World; Vol.4, No. 10; Pp. 40-42; Oct., 1999
9. Kelman, M.D., Charkes D., "Ophthalmology's New Century'. Review Of Ophthalmology; Vol Vii, No 1; Jan 2000.

Recent Major Lectures

--The 1998 Robert S. Coles Distinguished Lecture In Ophthalmology, "History Of Phacoemulsification And A Look Into The Future", New York Academy Of Medicine, March 2, 1998.

--Canadian Master Club Meeting, "Technological Advances, The Past, Present, And Future" Tucson, Arizona, March 8, 1998.

--"In The Beginning", Residents Course. "Avoiding & Handling Complications Of Phacoemulsification", Innovators Session "The Sirens Are Singing Again", The American Society Of Cataract & Refractive Surgery, San Diego, Ca. April 18-22, 1998.

--"The History And Current Techniques Of Phacoemulsification", X Aniversario Del Centro De Microciruia Ocular Cuba, Havana, Cuba, April 24-25, 1998.

--"Where & How Phacoemulfisication Began", Lecture. The Biennial Alumni Meeting At Manhattan Eye, Ear And Throat Hospital. New York, N.Y., May 2, 1998

--"The Present And The Future Of Phacoemulsification", "Special Phaco Technique", "A New Lens Implant For Myopia", Lectures, Slides And Videotape. Iv Congresso Internacional De Catarata E Circurgia Refrativa. Rio De Janeiro, Brazil. May 13 -16, 1998

--"The Past, Present And Future Of Phacoemulsificaton" - The Albrecht Von-Graefe-Lecture. Chair Of The Cataract Surgery Session. 11th Annual Meeting Of German Ophthalmic Surgeons International Symposium. Nuremberg, Germany. May 28 - 31, 1998

--"Current Techniques Of Phacoemulsification", "Phakic Iol's: Is There A Future?", Vallotton Lecturer - "Complications Of Phacoemulsification", Panel Member For Management Of Cataract Surgical Complications And What Am I Doing Differently This Year? 1998 Update "Cataract Surgery, Special Issues". Storm Eye Institute. Medical University Of South Carolina. Charleston, S.C. June 4 - 6, 1998

--"Phacoemulsification Of The Brunescence Lens", Xvith Congress Of The European Society Of Cataract And Refractive Surgery. Nice, France. September 7, 1998

--"Can You Name My Three Best Friends?","Clinical Decisions In The Management Of Complications Of Cataract & Iol Surgery", "What Am I Doing Differently This Year?", "Refractive Lens And Phakic Iol Surgery For High Myopia & Hyperopia", David J. Kelman's Advanced Course For The Phacoemulsifier And Implant Surgeon. . American Academy Of Ophthalmology, New Orleans, La. November 6 -11, 1998

--"Obstacles And Rewards Of Surgical Innovations For Cataract Surgery", Lecture, Slides And Videotape. Florida Atlantic University Center For Molecular Biology And Biotechnology. November 20, 1998

--"Past, Present & Future Of Cataract Surgery". 3rd European Society Of Cataract And Refractive Surgeon's Winter Meeting. Athens, Greece. January 29, 1999

--"The Future Of Anterior Chamber Phakic Iol's". Southern Council Of Optometrists, Inc., Seco 99, Atlanta, Georgia,February 27,1999.

--"The Future Of Anterior Chamber Refractive Iol's", "Steerable Ia", "Challenges Of Refractive Anterior Chamber Lens Design", " Avoiding And Handling Complications Of

Phacoemulsification". Round Table Discussion On "Lenticular Refractive Surergy:Phakic Lenses Vs. Clean Lens Extraction", The American Society Of Cataract And Refractive Surgery, Seattle, Washington , April 10-14,1999.

--"What Can We Learn From History About The Design Of Safe Phakic Iol's", "The Pal Technique", "Divide And Conquer", "What Am I Doing Differently This Year?". The David J. Kelman Research Foundation Advanced Course For The Phacoemulsifier And Implant Surgeon. Lecture, Slides And Videotape. American Academy Of Ophthalmology; Orlando, Florida, October 23-27,1999.

--"Phacoemulsification And Aspiration - A New Technique Of Cataract Removal: A Preliminary Report". "Basic Principles Of Iol Design", "Looking Back Can Give You A Stiff Neck". Aiois/Ascrs 25th Reunion. Los Angeles, California. Nov. 11-13,1999

--"History And Future Of Phacoemulsification". Viith Convegno Di Oftalmo-Chirurgia. Naples, Italy. December 10, 1999